

**REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of May 5, 2004.

Reconsideration of the Application is requested.

**The Office Action**

Claims 1-4, 8, 9, 12-18 and 20-23 remain in this application. Claim 7 was previously cancelled. Claims 5, 6, 10, 11 and 19 are currently canceled. Claims 1, 8 and 17 are currently amended.

Claims 8 and 17 are rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, 5, 6, 8, 11, 12, 15-17 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. (U.S. Patent 5,135,891) in view of Koizumi et al. (U.S. Patent 5,698,892).

Claims 4, 9, 10, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claims 1, 8 and 17 above, and further in view of McColgin et al. (U.S. Patent 4,553,153).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claim 1 above, and further in view of Park et al. (U.S. Patent 5,053,298).

**Claims 1-4, 8, 9, 12-18 and 20-23 are in condition for allowance as amended.**

Regarding Claims 8 and 17, as rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, these claims have been amended to remove the term "preferential." Accordingly, these claims clearly define the metes and bounds of the claimed subject matter and are definite as required by 35 U.S.C.112, second paragraph.

Regarding Claims 1-3, 5, 6, 8; 11, 12, 15-17 and 20-22 as rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. (U.S. Patent 5,135,891) in view of Koizumi et al. (U.S. Patent 5,698,892), independent claims 1, 8 and 17 have

been amended to include the features of claims 5, 6, 10, 11 and 19. Accordingly, claims 5, 6, 10, 11 and 19 are canceled. For the reasons discussed below, it is respectively submitted that Claims 1-3, 8, 12, 15-17 and 20-22, as amended, are patentable.

Ikeno, et al. teaches the use of dyes to produce color filters, unlike the Applicant's claimed subject matter. Ikeno et al. specifically states in the abstract, "a photosensitized gelatin is applied by spin-coating on the flat substrate obtained in this process, patterned, and then dyed, to obtain a color filter array." The Examiner asserts Ikeno et al., at col. 5, lines 35-40, as disclosing a first and second filter with pigments, as claimed. This argument is respectively traversed because the color filter array referred to at col. 5, lines 35-40, is dyed, not pigmented, as claimed by the Applicant.

It is to be understood that the Applicant, and one of ordinary skill in the art, regards dyes and pigments as fundamentally different as applied to the claimed subject matter. Dyes are non discrete molecules designed to absorb specific frequencies of light and dyes are dissolved into a medium. Dyes are much smaller in size than pigments. Dyes typically have problems associated with breakdown and fading as they age. Pigments, on the other hand, are discrete particles and relatively large, as compared with dyes, with particles about 50 to 100 nanometers in diameter. Pigments are not dissolved, but dispersed into a medium. Pigments perform better than dyes as related to fading and aging issues. In addition, pigments can be applied in a more cost efficient manner as compared to dyes.

As amended, independent claims 1, 8 and 17, claim a method for fabricating an electro-optical device suitable for use in an image forming system and an electro-optical device for image sensing that includes ***at least one of the first filter layer and the second filter layer containing a pigment.*** Accordingly, claims 1-3, 8, 12, 15-17 and 20-22 are not obvious in view of Ikeno et al. (U.S. Patent 5,135,891) and Koizumi et al. (U.S. Patent 5,698,892). These claims are believed to be in condition for allowance.

Regarding Claims 4, 9, 10, 13, 14, 18, and 19, as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claims 1, 8 and 17, and further in view of McColgin et al. (U.S. Patent 4,553,153), for the reasons discussed above regarding Ikeno et al. not teaching the

use of pigments for the production of color filters and McColgin et al. not teaching the use of pigments for the production of color filters as claimed by the Applicant, claims 4, 9, 13, 14 and 18 do not read on the cited prior art and are believed to be in condition for allowance. Claims 10 and 19 are canceled.

Regarding Claim 23 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claim 1, and further in view of Park et al. (U.S. Patent 5,053,298), for the reasons discussed above regarding Ikeno et al. not teaching the use of pigments for the production of color filters as claimed by the Applicant, Koizumi et al. not teaching the use of pigments for the production of color filters as claimed by the Applicant, and Park et al. not teaching the production of color filters as claimed by the Applicant, claim 23 does not read on the cited prior art and is believed to be in condition for allowance.

### CONCLUSION

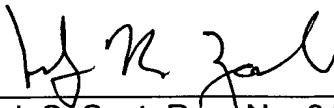
For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-4, 8, 9, 12-18 and 20-23) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

The undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Jeffrey N. Zahn, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP



Mark S. Svat, Reg. No. 34, 261  
Jeffrey N. Zahn, Reg. No. 54, 864  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

10-5-2004  
Date